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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,421	06/05/2001	William P. Lord	US010280	5689

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EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,421

Applicant(s)

LORD, WILLIAM P.

Examiner

Annan Q. Shang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-12 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12 and 18-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments/amendment with respect to claims 1-8, 10-12 and 18-26, have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 1-8, 10-12 and 18-26, applicant argues that **Blackketter et al (6,77,438)**, "... does address recording of the web content, and thus cannot be said to teach recording the web content in response to a request to record the television program..." and further argues that the secondary reference **Hull et al (2002/0056082)** teaches synchronizing multiple sources for presentation and does not teach recording downloaded web content in response to user's request to record a television program (see page labeled 7 of 8 of applicant's Remarks)

In response, Examiner disagrees. Examiner notes applicants arguments, however, Blackketter teaches that the viewer can perform various procedures to record and playback television and web content. When the viewer interact or request to select a TV program for recording and playback, the Receiver stores the television program and associated web content and URL, however if the web content is not included in the television signal, the receiver uses the received URL to retrieve (download) from a web server via communication interface 226 and communication link 212, the web content associated with the television program (col.4, line 39-col.5, line 25). Blackketter is silent to synchronizing for storing the TV program and Internet content or downloaded web content, a deficiency disclosed in Hull. Hull teaches techniques for receiving information during multimedia presentations and further discloses a presentation recorder Appliance

'PRA' 100, which receives multimedia presentation source and external source and synchronizes the multimedia presentation source and external source for storage using time stamps within the received sources and retrieves for presentation to a user (page 2, [0031-0033], [0038-0041] and page 11, [0112-0115]). Hence applicant's amended claims do not overcome the prior art of records. The amendment to the claims necessitated the new ground(s) of rejection discussed below. **This Office Action is made Final.**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 18, 20-22 and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by **Blackketter et al (6,772,438)**.

As to claim 18, note the **Blackketter** reference figures 2-5, discloses method and apparatus for retrieving data from a broadcast signal and further discloses a system comprising:

A broadcast interface (Receiver R-200, input 206) that is configured to receive broadcast video (fig.3, col.4, lines 20-51);

A web interface (Interface 226) that is configured to receive web content (col.4, lines 62-67);

A controller (Processor 230) that is configured to receive a record command and to concurrently initiate a recording of the broadcast video and a recording of the web content, to facilitate a concurrent playback of the broadcast video and the web content (col.4, line 52-col.5, line 25 and line 41-col.6, line 1+), note that the receiver upon a viewer's interaction or request to record and playback the television program, concurrently records/playback the television program and web content or URL received via a first medium (Broadcast Signal 206) from the TV broadcaster or records a second web content downloaded via a second medium (Communication link or Internet 212) from a web server when the viewer interact with the first recording and permits the viewer to transmit and receive data across communication link 212 or Internet

Claim 20 is met as previously discussed with respect to claim 18.

As to claim 21, Blackketter further discloses a display device (TV-202) that is configured to display the playback of the broadcast video and the web content (col.4, lines 30-62 and col.5, lines 22-25).

As to claim 21, Blackketter further discloses where the controller is configured to enable access to a web server that provides the web content associated with the broadcast (col.4, lines 39-65).

As to claims 23-24, the claimed "A method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 18.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 10-12, 19 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Blacketter et al (6,772,438)** in view of **Hull et al (2002/0056082)**.

As to claims 1-5, note the **Blacketter** reference figures 2-5, discloses method and apparatus for retrieving data from a broadcast signal and further discloses a method for recording a television program broadcast by a TV broadcaster and a web content communicated by a web server, the method comprising:

(Receiver 'R' 200) Receiving a request to record the television program selected by a user (col.4, lines 39-46), R-200 receives and stores TV program in storage 204;

(Processor 'CPU' 230 commands Data Interface 'DI' 226 or Modem) establishing a web connection to the web server of the TV broadcaster (col.4, lines 12-19 and lines 43-67);

(CPU-230) downloading the web content responsive to the television program (col.4, lines 39-67 and col.5, lines 50-60); and

storing in a memory (Storage 204) the television and the downloaded web content in response to record the television program (col.4, lines 39-67 and col.5, lines 50-60), note that the receiver upon a viewer's interaction or request, concurrently records/playback the television program and web content or URL received via a first medium (Broadcast Signal 206) from the TV broadcaster or records a second web content downloaded via a second medium (Communication link or Internet 212) from a web server when the user interacts with the first recording permitting the user to interact with the source of television broadcast to transmit and receive data across communication link 212 or Internet.

Blackketter fails to explicitly teach synchronizing for storing in a memory the TV program and the downloaded web content using timestamp, retrieving and replaying the stored TV program and the web content responsive to the web content responsive to the TV program in the synchronized manner

However, note the **Hull** reference figures techniques for receiving information during multimedia presentations and further discloses a presentation recorder Appliance 'PRA' 100, which receives multimedia presentation source and external source synchronizes for storage using time stamps within the received sources and retrieves for presentation to a user (page 2, [0031-0033], [0038-0041] and page 11, [0112-0115])

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hull into the system of Blackketter to synchronized and stored selected TV program and web content in a format for later

retrieval or playback at anytime as desired or provide a personal archive of synchronized TV program and web content to allow anyone to review at a later time.

As to claim 6, Blackketter further discloses where the TV program is received from cable, satellite and antenna (col.4, lines 8-11)

As to claim 7, Blackketter further discloses where the TV broadcaster includes a proxy or unaffiliated entity providing an interactive capability between the user and the web of the TV broadcaster (col.4, lines 60-67).

As to claims 8 and 10, the claimed "a method for providing a synchronized replay of a television program and the corresponding web content..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-5.

Claim 11 is met as previously discussed with respect to claim 6.

Claim 12 is met as previously discussed with respect to claim 7.

As to claim 19, Blackketter teaches all the claimed limitation as previously discussed with respect to claim 18, fails to explicitly teach where the controller is configured to add synchronizing data to at least one of the recordings of the broadcast video and the web content to facilitate a synchronized playback of the broadcast video and the web content.

However, note the **Hull** reference figures techniques for receiving information during multimedia presentations and further discloses a presentation recorder Appliance 'PRA' 100, which receives multimedia presentation source and external source and adds synchronize data using time stamps within the received sources and retrieves for

presentation or playback to a user (page 2, [0031-0033], [0038-0041] and page 11, [0112-0115])

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hull into the system of Blackketter to synchronized and stored selected TV program and web content in a format for later retrieval or playback at anytime as desired or provide a personal archive of synchronized TV program and web content to allow anyone to review at a later time.

As to claims 25-26, Blackketter teaches all the claimed limitation as previously discussed with respect to claim 23, but fails to explicitly teach where the controller is configured to add synchronizing data to at least one of the recordings of the broadcast video and the web content(s) to facilitate a synchronized playback of the broadcast video and the web content(s)

However, Hull discloses this claimed limitation as discussed with respect to the rejection of claim 19.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Franco (2002/0046407) discloses use of web pages to remotely program a broadcast content recording.

Blackketter et al (2005/0196139) disclose scheduling the recording of TV programs.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000**.



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